

SCOTT N. SCHOOLS (SC 9990)
United States Attorney

BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

BRYAN R. WHITTAKER (TX 24047097)
Special Assistant United States Attorney

1301 Clay Street, Suite 340S
Oakland, California 94612
Telephone: (510) 637-3680
Facsimile: (510) 637-3724
E-Mail: bryan.whittaker@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

KENNETH EUGENE HOLLOWAY,
Defendant.

No. CR 97-40059 CW &
CR 07-00344 CW

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME**

On September 19, 2007, defendant made his initial appearance in the Northern District of California on an Indictment filed on May 31, 2007 and on a Supervised Release violation filed on September 25, 2006. The Court appointed J. Frank McCabe to represent the defendant. The defendant was ordered to appear before Judge Wilken on October 3, 2007. Mr. McCabe made a request for discovery and discovery was provided by the United States.

The parties stipulate that the time between September 19, 2007, and the next appearance in the matter on October 3, 2007, should be excluded under the Speedy Trial Act, 18 U.S.C. §

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME
CR 97-40059 CW & CR 07-00344 CW**

3161(h)(8), for effective preparation of counsel because discovery was recently provided and counsel needs time to review the discovery. The ends of justice outweigh the interests of the public and the defendant in a speedy trial in this case. This exclusion is necessary to allow time for the parties to effectively prepare and to allow for continuity of counsel taking into account the exercise of due diligence.

IT IS SO STIPULATED.

DATED: September 19, 2007

/S/
BRYAN R. WHITTAKER
Special Assistant United States Attorney

DATED: September 19, 2007

/S/
J. FRANK McCABE
Attorney for Mr. Holloway

I hereby attest that I have on file all holograph signatures for any signatures indicated by a conformed signature (/S/) within this e-filed document.

/S/ Bryan R. Whittaker
Special Assistant U.S. Attorney

ORDER

For the foregoing reasons, the Court finds that good cause is shown—taking into account the public interest—that an exclusion of time between September 19, 2007, and October 3, 2007, is warranted under the Speedy Trial Act because it will afford counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court finds that the ends of justice served by excluding time under the Speedy Trial Act outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. Id. at § 3161(h)(A). The Court, therefore, concludes

////

////

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME
CR 97-40059 CW & CR 07-00344 CW**

1 that this exclusion of time is proper pursuant to 18 U.S.C. § 3161(h)(8).

2 IT IS SO ORDERED.

3
4 DATED: September __, 2007

5 THE HONORABLE WAYNE D. BRAZIL
6 United States Magistrate Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

28 **STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME
CR 97-40059 CW & CR 07-00344 CW**